IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

AO/834/2006

L. K. MIRCHANDANI AND ANR .. Appellants
V/S
SHRI SANJAY GOEL AND ORS. ... Respondents

H. T. PAWAR for appellants
Mr. N. Engineer i/b. Divya Shah Associates for respondent no.4.

CORAM: D. G. KARNIK **J.**

DATE: December 11, 2006

P.C.:

1. Heard learned counsel for the appearing parties.
2. By this appeal the appellant is challenging the very same order which was challenged in A.O. 833 of 2006 which has been dismissed by me by a speaking order today. For the same reasons this appeal also deserves to be dismissed.
3. There is one more reason why this appeal needs to be dismissed. The present appellant is the beneficiary of the resolution dated 30th November 2005 under which he assumed the office as President. Since both the candidates had obtained equal number of votes it was resolved on 30th November that President' s post shall be shared by the two candidates for equal number of days. The present appellant

was allowed to assume the office for the first half of the period and the respondent no.1 was allowed to act as the President for the second half of the term. After having assumed the office under the resolution the appellant cannot challenge the resolution unless he demits the office which he assumed on the basis of the resolution dated 30th November 2005. He cannot approbate and reprobate.

4. Hence, this appeal is also dismissed.

(D.G. KARNIK J.)

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In view of the dismissal of the appeal this civil application does not survive and is disposed of.

(D.G. KARNIK J.)